STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0854

State of Minnesota,
Respondent,

vs.

Randip E. Satoskar,
Appellant.

Filed November 20, 2023
Affirmed
Gaïtas, Judge

Dakota County District Court
File No. 19HA-CR-20-146

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Kathryn M. Keena, Dakota County Attorney, Jessica A. Bierwerth, Assistant County Attorney, Hastings, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Anders J. Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Gaïtas, Presiding Judge; Bjorkman, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

On remand from the supreme court, appellant Randip Satoskar argues that his conviction for first-degree arson must be reversed because the state's evidence was insufficient to establish beyond a reasonable doubt that he unlawfully damaged or

destroyed a dwelling by fire. Because the only reasonable inference from the direct and circumstantial evidence is that Satoskar's conduct was unlawful, we affirm.

FACTS

Satoskar was convicted of first-degree arson after a jury trial in Dakota County District Court. *State v. Satoskar*, No. A21-0854, 2022 WL 1763562 (Minn. App. May 31, 2022). He directly appealed his conviction to our court, and we affirmed. We rely on our previous opinion for our summary of the facts here.

Emergency workers responded to a report of a fire at Satoskar's West St. Paul home on July 12, 2019. *Id.* at *1. During a second search of the house, they found Satoskar crawling out from under a bed. *Id.* Satoskar was "soaking wet, . . . covered in soot, [with] scratches on him," bleeding, and "unable to sit still." *Id.* Two days later, on July 14, 2019, a neighbor called 911 to report a fire and "large quantities of smoke billowing from Satoskar's window"; the report also indicated that Satoskar was in the backyard, shirtless and walking around in "sort of a stupor, carrying a red container, and making no attempt to either extinguish the fire or get help." *Id.* "Police officers found Satoskar hiding in the rafters of his detached garage and attempting to ignite the structure with a blowtorch." *Id.* Satoskar refused to follow police orders to come down, and "officers pointed firearms at him, sprayed pepper spray at him, and shot non-lethal bullets at him before finally getting him to comply using a stun gun." *Id.* "[O]fficers found two torch devices—one in the rafters and another in his pocket." *Id.* Investigation of the July 12, 2019 fire revealed "unburned fire starter and an unburned matchstick near the fire's point of origin" in the northeast bedroom where Satoskar was found under the bed. *Id.* And investigation of the

July 14, 2019 fire, which also originated in the northeast bedroom, revealed a different accelerant at the fire's point of origin. *Id.* The investigators concluded that both fires were started intentionally. *Id.*

Satoskar raised six issues on direct appeal. As relevant here, Satoskar argued that the evidence was insufficient because the state failed to prove beyond a reasonable doubt that he *unlawfully* destroyed or damaged a dwelling by fire. *Id.* at *5. We affirmed Satoskar's first-degree arson conviction, relying on our precedential decision in *State v. Beganovic*, 974 N.W.2d 278 (Minn. App. 2022), which was decided while Satoskar's appeal was pending. *Id.* In *Beganovic*, we held that "unlawfully" is not an element of first-degree arson but an exception that the defendant must prove as an affirmative defense, because "setting fire to dwellings is not generally lawful." 974 N.W.2d at 286. Applying the holding in *Beganovic*, we likewise concluded in *Satoskar* that the state was not required to prove that Satoskar unlawfully set the fire, and that Satoskar's sufficiency argument failed. 2022 WL 1763562 at *6

Satoskar petitioned for further review. The supreme court granted review of the issue of whether the unlawful nature of a fire is an element of first-degree arson that the state must prove beyond a reasonable doubt and stayed proceedings pending final disposition in *Beganovic*.

On June 14, 2023, the supreme court decided *State v. Beganovic*, 991 N.W.2d 638 (Minn. 2023). The supreme court first concluded that "a person acts 'unlawfully' by starting a fire in a manner not authorized by law" and that "unlawfully" is not limited to fires started without a permit, license, or written authorization as this court had determined.

Id. at 646. Second, the supreme court concluded that "unlawfully" is an "absence-of-a-fact provision" that is an element of first-degree arson because it is integrated into the statute defining the offense, similar to the phrases "without claim of right" in the trespass statute and "without lawful excuse" in the nonsupport-of-a-child statute. *Id.* at 648-54. Finally, the supreme court concluded that the state had proved beyond a reasonable doubt that Beganovic set the fire in a manner not authorized by law. *Id.* at 655.

On August 8, 2023, the supreme court issued an order dissolving the stay and vacating section II of our decision in *Satoskar* in which we concluded that Satoskar's sufficiency-of-the-evidence argument fails because "unlawfully" is not an element of first-degree arson. The supreme court remanded the matter for reconsideration in light of *Beganovic*. We reinstated the appeal and directed the parties to file supplemental briefs addressing the impact of the supreme court's decision in *Beganovic* on our analysis of the sufficiency of the evidence for first-degree arson.

DECISION

First-degree arson is defined as follows: "[w]hoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed . . . commits arson in the first degree." Minn. Stat. § 609.561, subd. 1 (2018). Here, the only disputed element is whether the state proved beyond a reasonable doubt that Satoskar "unlawfully" destroyed or damaged his house or garage by fire.

When considering a sufficiency-of-the-evidence argument, reviewing courts conduct "a painstaking analysis of the record to determine whether the evidence, when

viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did." *State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016) (quotation omitted). This is the "traditional standard of review, which applies whenever the direct evidence establishing a particular element of a crime is alone sufficient to support the jury verdict." *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). Direct evidence is "[e]vidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption." *Bernhardt v. State*, 684 N.W.2d 465, 477 n.11 (Minn. 2004) (quotation omitted). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). "[C]ircumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence." *Id.* A conviction based on circumstantial evidence is reviewed with "heightened scrutiny." *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010).

Appellate courts apply an elements-based approach when evaluating the sufficiency of the evidence: if the direct evidence on a particular element is sufficient to prove the element, it is unnecessary to consider the circumstantial-evidence standard. *See State v. Salyers*, 858 N.W.2d 156, 160-61 (Minn. 2015). But when "the state's direct evidence is insufficient by itself to prove" the element, the reviewing court "must consider the state's circumstantial evidence." *State v. Porte*, 832 N.W.2d 303, 309-10 (Minn. App. 2013), *rev. denied* (Minn. June 16, 2015). The heightened scrutiny that applies to circumstantial evidence requires the reviewing court to first identify the circumstances proved, which are only those circumstances that are consistent with the jury's verdict of guilt, "because the

jury is in the best position to evaluate the credibility of the evidence even in cases based on circumstantial evidence." *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013). The second step of the analysis requires the reviewing court "to determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt." *Id.* (quotation omitted).

The parties disagree on whether the "unlawfully" element of first-degree arson is proved entirely by circumstantial evidence or by a combination of direct and circumstantial evidence. As direct evidence, the state points to testimony by the law enforcement officers who directly observed Satoskar with the torch device attempting to start a fire in his garage. Satoskar argues that the circumstantial evidence standard of review applies because the state did not present any direct evidence that the fires were set "unlawfully." According to Satoskar, no witness testified that he did not have a permit or license to start the fire or that he started the fire in a manner not authorized by law. We need not resolve this dispute because we conclude that, even applying the heightened standard of review for the sufficiency of circumstantial evidence, the state's evidence was sufficient to establish beyond a reasonable doubt that Satoskar unlawfully set the fires.

The parties identify the following circumstances proved in their supplemental briefs:

- On July 12, 2019, the fire department received a report of a fire at Satoskar's house;
- Satoskar was found, covered in soot, crawling out from under a bed immediately after the fire was extinguished;
- A match and fire starter were found in the bedroom after the first fire;

- The fire investigator determined that the July 12 fire was intentionally set;

- On July 14, 2019, a neighbor called 911 to report a second fire at the house after seeing smoke and fire, and seeing Satoskar in his backyard not wearing a shirt and appearing to be in a stupor;

- When law enforcement arrived at Satoskar's house on July 14, 2019, they found him in the rafters of his detached garage, refusing to leave and using a torch device to start parts of the garage on fire;

- Law enforcement had difficulty getting Satoskar to leave the rafters, sprayed him with pepper spray, shot him with non-lethal bullets, and tased him;

- Law enforcement found two torch-like devices—one in the rafters and one in Satoskar's pocket; and

- The fire investigator determined that the second fire was also intentionally set.

In addition to the circumstances proved identified by the parties, we identify the following circumstances proven by the state's evidence:

- Satoskar was alone in his house at the time he started the fire in the bedroom (the identified origin of both fires); and

- No safety officials were present during either fire.

In considering the reasonable inferences from the circumstances proved, we are guided by the supreme court's analysis in *Beganovic*. There, in concluding that there was sufficient evidence that Beganovic unlawfully set the fire, the supreme court applied the circumstantial-evidence standard of review and considered the following circumstances proved: Beganovic started the fire; he filed an insurance claim in which he stated that he did not set the fire; his family was inside the house when the fire started; the fire was set intentionally; and the fire started in the middle of the night. *Beganovic*, 991 N.W.2d at 654. Next, the supreme determined that "these circumstances are consistent with the

reasonable conclusion that Beganovic was not authorized by law to start the fire." *Id.* The supreme court then determined that "these circumstances are inconsistent with any alternative conclusion" because "[i]t does not make sense for a person who is somehow authorized by law to burn his dwelling to do so at night, with his family inside, without safety officials on the scene, and then proceed to deny starting the fire . . . and file an insurance claim." *Id.* at 654-55. From the evidence, "it may be inferred beyond a reasonable doubt that the fire was set in a manner not authorized by law." *Id.* at 655 (quotation omitted).

The circumstances proved here are consistent with the reasonable conclusion that Satoskar was not authorized by law to start the fires in his home and inconsistent with any other rational hypothesis. As the supreme court concluded in *Beganovic*, "it does not make sense for a person who is authorized by law to burn his dwelling" to do so without safety officials on the scene. *Id.* at 654. And Satoskar's behavior when emergency workers and law enforcement arrived only supports the rational hypothesis that the fire was unauthorized by law. After the first fire was extinguished, and during a second search of the house, Satoskar was discovered crawling out from under a bed, soaking wet and covered in soot. Following the second fire, Satoskar was hiding in the rafters of the garage, and he refused to cooperate with law enforcement. The only reasonable inference from Satoskar's conduct is that he was hiding and resisting apprehension because the fires were unauthorized, and therefore unlawful. His conduct was wholly inconsistent with any theory that he lawfully started the fires.

We conclude that the state's evidence was consistent with a rational hypothesis that the fires were unlawful and inconsistent with any alternative conclusion that they were not unlawful. Accordingly, the evidence was sufficient to support Satoskar's conviction for first-degree arson.

Affirmed.